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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

GRAHAM, CLEMENT B

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/831,830	Applicant(s) TAKAYAMA ET AL.	
	Examiner Clement B. Graham	Art Unit 3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 58-61 and 63-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 58-61 and 63-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 58-61, 63-66 remained pending in this Application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 59 and 63 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, Claims 59 and 63, recites the word ["a first wireless communication section that receives from other terminal"].

However this language fails to distinctly claim Applicant's invention because the scope of the claim is unclear as to what is **"the other terminal, is it the second terminal or a third terminal?"**. Moreover the specification fails to clarify, the meaning of the limitation. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 58-61, 63-66, are rejected under 35 U.S.C. 103(a) as being unpatentable over Takayama U.S Patent 6, 332, 133 in view Schutzer U.S Patent 6, 873, 974.

As per claim 58, Takayama discloses a communication terminal comprising: a first wireless communication section that receives from other terminal within a distance for communicating with said communication terminal information including a communication method for a second wireless communication having a communication distance which is longer than that of the first wireless communication (see column 3 lines 47-64 and column 17 lines 64-

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67 and column 18 lines 1-7 and column 19 lines 18-67 and column 20 lines 1-11 and column 25 lines 31-67 and column 44 lines 7-15 and column 45 lines 23-38) and said second wireless communication section that performs an authentication processing with said other terminal and establishes a communication session using said information received via said first wireless communication section (see column 3 lines 47-64 and column 17 lines 64-67 and column 18 lines 1-7 and column 19 lines 18-67 and column 20 lines 1-11 and column 25 lines 31-67 and column 44 lines 7-15 and column 45 lines 23-38).

Takayama fail to explicitly teach when the authentication processing with said other terminal succeeds.

However Schutzer discloses the first and second wallets may communicate in a number of ways. One example is screen scraping, whereby, for example, a wallet learns the format presented and creates a template indicating data placement, such as user identification and password, IP address, cookie information, or other authenticated information required to access the screen or wallet. Another example comprises a standard data feed or message protocol standard, such as Electronic Commerce Modeling Language (ECML), Open Financial Exchange (OFX), or Interactive Financial Exchange (IFX) standards. Some such feeds may require customer identification and wallet identification and authentication. A third example comprises an exchange of files between wallets, an embodiment of which also requires exchange of identification and authentication information (see column 3 lines 41-64).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Takayama to include when the authentication processing with said other terminal succeeds in order to to use the distributed electronic wallets in electronics.

As per claim 59, Takayama discloses wherein said information further includes identification information (see column 3 lines 47-64 and column 17 lines 64-67 and column 18 lines 1-7 and column 19 lines 18-67 and column 20 lines 1-11 and column 25 lines 31-67 and column 44 lines 7-15 and column 45 lines 23-38).

As per claim 60, Takayama discloses further comprising:
an authentication section operable that authenticates with said other terminal using said identification information, wherein said second wireless communication section establishes a

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communication session using said identification information when said authentication section authenticates with said other terminal successfully (see column 3 lines 47-64 and column 17 lines 64-67 and column 18 lines 1-7 and column 19 lines 18-67 and column 20 lines 1-11 and column 25 lines 31-67 and column 44 lines 7-15 and column 45 lines 23-38).

As per claim 61, Takayama discloses wherein said first wireless communication section has directivity (see column 3 lines 47-64 and column 17 lines 64-67 and column 18 lines 1-7 and column 19 lines 18-67 and column 20 lines 1-11 and column 25 lines 31-67 and column 44 lines 7-15 and column 45 lines 23-38).

As per claim 63, Takayama discloses a communication terminal comprising: a first wireless communication section that transmits, to other terminal within a distance for communicating with said communication terminal, information including a communication method for a second wireless communication section having a communication distance which is longer than that of the first wireless communication section (see column 3 lines 47-64 and column 17 lines 64-67 and column 18 lines 1-7 and column 19 lines 18-67 and column 20 lines 1-11 and column 25 lines 31-67 and column 44 lines 7-15 and column 45 lines 23-38) and said second wireless communication section, in response to a communication session establishment request from said other terminal, performs an authentication processing with said other terminal and establishes that establishes a communication session using said information when the authentication processing with said other terminal succeeds (see column 3 lines 47-64 and column 17 lines 64-67 and column 18 lines 1-7 and column 19 lines 18-67 and column 20 lines 1-11 and column 25 lines 31-67 and column 44 lines 7-15 and column 45 lines 23-38).

Takayama fail to explicitly teach when the authentication processing with said other terminal succeeds.

However Schutzer discloses the first and second wallets may communicate in a number of ways. One example is screen scraping, whereby, for example, a wallet learns the format presented and creates a template indicating data placement, such as user identification and password, IP address, cookie information, or other authenticated information required to access the screen or wallet. Another example comprises a standard data feed or message protocol standard, such as Electronic Commerce Modeling Language (ECML), Open Financial Exchange (OFX), or Interactive Financial Exchange (IFX) standards. Some such feeds may require

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customer identification and wallet identification and authentication. A third example comprises an exchange of files between wallets, an embodiment of which also requires exchange of identification and authentication information.(see column 3 lines 41-64).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Takayama to include when the authentication processing with said other terminal succeeds in order to to use the distributed electronic wallets in electronic commerce.

As per claim 64, Takayama discloses wherein said information further includes identification information (see column 3 lines 47-64 and column 17 lines 64-67 and column 18 lines 1-7 and column 19 lines 18-67 and column 20 lines 1-11 and column 25 lines 31-67 and column 44 lines 7-15 and column 45 lines 23-38).

As per claim 65, Takayama discloses further comprising:
an authentication section that authenticates with said other terminal using identification information in response to a communication establishment request from said other terminal (see column 3 lines 47-64 and column 17 lines 64-67 and column 18 lines 1-7 and column 19 lines 18-67 and column 20 lines 1-11 and column 25 lines 31-67 and column 44 lines 7-15 and column 45 lines 23-38) wherein said second wireless communication section establishes a communication session using said identification information when said authentication section authenticates with said other terminal successfully (see column 3 lines 47-64 and column 17 lines 64-67 and column 18 lines 1-7 and column 19 lines 18-67 and column 20 lines 1-11 and column 25 lines 31-67 and column 44 lines 7-15 and column 45 lines 23-38).

As per claim 66, Takayama discloses wherein said first wireless communication section has directivity (see column 3 lines 47-64 and column 17 lines 64-67 and column 18 lines 1-7 and column 19 lines 18-67 and column 20 lines 1-11 and column 25 lines 31-67 and column 44 lines 7-15 and column 45 lines 23-38).

CONCLUSION

RESPONSE TO ARGUMENTS

6. Applicant's arguments filed 9/10/09 have been fully considered but they are moot in view of new grounds of rejections.

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7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B. Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Kalinowski/
Supervisory Patent Examiner, Art
Unit 3691

12/1/09

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CG